REMARKS

In the final Office Action, the Examiner: (i) objected to claim 15; (ii) rejected claims 1,1-13, 15-26, 28-34 and 36 under 35 U.S.C. §112, second paragraph; (iii) maintained the rejection of claims 1-5, 9-13, 16-26 and 28-36 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2003/0023679 to Johnson (hereinafter "Johnson"); (iv) maintained the rejection of claims 6-8 and 15 under 35 U.S.C. §103(a) as being unpatentable over Johnson in view of U.S. Patent Publication No. 2003/0097410 to Atkins et al. (hereinafter "Atkins"); and (v) maintained the rejection of claim 35 under 35 U.S.C. §102(a) as being anticipated by U.S. Patent Publication No. 2002/00156693 to Stewart et al. (hereinafter "Stewart").

In this response, Applicants have amended the claims to overcome the objection and §112, second paragraph, rejection. Applicants traverse the various §102 and §103 rejections but amend the claims in an effort to expedite the application through to issuance. Applicants respectfully request reconsideration of the application in view of the amendments above and remarks below.

Applicants maintain that the claim set prior to the above amendments was patentable over Johnson, Atkins, Stewart, and any combinations thereof. Nonetheless, Applicants have amended independent claims 1, 19, 29, 30 and 36 by adding language to further clarify the claimed invention.

As amended, the independent claims now further specify that the annotation data also comprises at least one hierarchical representation which is structured so as to be capable of defining one or more of: (i) an indication of organizational data entities; (ii) a specification of collaborating entities; (iii) a specification of content type pertinent to the collaborating entities; (iv) a specification of access control information; (v) a specification of dependency information for the organizational data entities; and (vi) a specification of a type of construct defining collaboration activity (underlining added for emphasis). That is, the hierarchical representation is a structure whereby each one of the indications and specifications can be defined.

The added language is intended to further clarify that the claimed annotation data is more than just "hyperlinks" or "uniform resource locator (URL)" and more than just the limited "collaborative content element" disclosed by Johnson. Rather, as previously explained, such annotation data embodies an on-demand information exchange model which enables implementation

of operations designed to achieve various goals, for example: (i) providing a flexible and uniform annotation representation for information exchange of various non-structured data without requiring pre-defined schemas; (ii) automating the annotation data generation process; and (iii) capturing and automating business collaboration interaction patterns for information exchange based on the annotation data.

Paragraphs [0023] and [0027] cited by the Examiner in the final Office Action, merely indicate that Johnson discloses transmitting a conventional "URL of the content" between collaborating parties including a "collaborative content element." This is clearly not equivalent to the claimed annotation data.

FIGs. 5 and 8 of Johnson show exactly what Johnson defines as a "collaborative content element." That is, the "collaborative content element" is markup language that describes how to render a notation made on a document referred to by the base document URL link. This is not the same as annotation data comprising one or more links to information associated with the collaborative information exchange and comprising at least one hierarchical representation which is structured so as to be capable of defining one or more of: (i) an indication of organizational data entities; (ii) a specification of collaborating entities; (iii) a specification of content type pertinent to the collaborating entities; (iv) a specification of access control information; (v) a specification of dependency information for the organizational data entities; and (vi) a specification of a type of construct defining collaboration activity, as recited in the independent claims.

In an apparent admission that Johnson fails to disclose the subject limitations, the final Office Action (page 13) now raises the argument that the subject limitations are "inherent" in Johnson. According to well established law, "[i]Inherency does not mean that a thing might be done, or that it might happen, ...; but it must be disclosed, if inherency is claimed, that the thing will necessarily happen." *In re Draeger et al.*, 150 F.2d 572, 574 (CCPA 1945) (emphasis supplied). Furthermore, the well settled law "requires that inherency may not be established by possibilities and probabilities. The evidence must show that the inherency is necessary and inevitable." Interchemical Corp. v. Watson, 145 F. Supp. 179, 182, 111 USPQ 78, 79 (D. D.C. 1956) (emphasis supplied), *aff'd*, 251 F.2d 390, 116 USPQ 119 (D.C. Cir. 1958).

The fact that Johnson discloses a "collaborative content element" that describes how to render a notation made on a document referred to by the base document URL link clearly does not mean that the "collaborative content element" <u>must</u> define at least one hierarchical representation which is structured so as to be capable of defining one or more of: (i) an indication of organizational data entities; (ii) a specification of collaborating entities; (iii) a specification of content type pertinent to the collaborating entities; (iv) a specification of access control information; (v) a specification of dependency information for the organizational data entities; and (vi) a specification of a type of construct defining collaboration activity, as recited in the independent claims. Thus, an inherency rejection argument is not supported.

For at least this reason, Applicants assert that independent claims 1, 19, 29, 30 and 36 are patentable distinct over Johnson.

Dependent claims 2-4, 9-14, 16-18, 20-28 and 31-34 are allowable for at least the reasons identified above with regard to claims 1, 19 and 30. One or more of these claims are also believed to define separately-patentable subject matter over the cited art.

Independent claim 35 is directed to a method of deploying a business collaboration system, the method comprising the steps of: deploying at least one on-demand business collaboration hyperchain-based management apparatus for use in one or more of: defining at least one business collaboration process template; creating at least one set of data constructs; selecting at least one other collaborating entity for information exchange capable of acting on at least one set of business constructs; customizing a process template to support a selected set of business constructs; and generating at least one set of activities in a business construct with initial collaborative data entities.

The Examiner cites Stewart in rejecting claim 35. However, Stewart fails to teach or suggest all of the limitations of claim 35.

For example, no where does Stewart disclose "customizing a process template to support a selected set of business constructs." In fact, no where does Stewart even mention creation of "a process template."

Furthermore, despite the assertion in the final Office Action at page 14, no where does Stewart mention "customization" of any template.

Accordingly, it is believed that the teachings of Stewart fail to meet the limitations of claim 35.

With regard to the rejection of claims 6-8 and 15 as being unpatentable over Johnson in view of Atkins, Applicants assert that the Atkins fails to remedy the deficiencies described above with regard to Johnson. Thus, claims 6-8 and 15 are patentable at least by virtue of their dependency from claim 1. Claims 6-8 and 15 also recite patentable subject matter in their own right.

In view of the above, Applicants believe that claims 1-13, 15-26 and 28-36 are in condition for allowance, and respectfully request withdrawal of the various objections and rejections.

Respectfully submitted,

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